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The Commonwealth of Massachusetts
Department of Revenue

Audit Division
Out of State Contractors Unit
200 Arlington Street - Room 4300
Chelsea, Massachusetts 02150

Guarantee Bond

1. WHEREAS: _____,
(CONTRACTOR OR SUBCONTRACTOR)

FEDERAL IDENTIFICATION NUMBER _____, (HEREINAFTER CALLED THE
CONTRACTOR) HAS ENTERED INTO A CONTRACT DATED _____,

IN THE AMOUNT OF _____ DOLLARS (\$_____)

WITH _____
(PRINCIPAL OWNER OR GENERAL CONTRACTOR)

OF _____ PURSUANT TO WHICH TANGIBLE PERSONAL PROPERTY WILL BE

CONSUMED OR USED IN MASSACHUSETTS AT: _____.
(NAME OF JOB AND LOCATION)

2. WHEREAS, THE CONTRACTOR IS REQUIRED TO DEPOSIT WITH THE COMMISSIONER OF
REVENUE A GUARANTEE BOND EQUIVALENT TO FIVE (5) PERCENT OF THE CONTRACT.

3. CONTRACTOR AND _____, AS **SURETY** (HEREAFTER
CALLED THE SURETY), BIND THEMSELVES, THEIR HEIRS, EXECUTORS, ADMINISTRATORS,
SUCCESSORS AND ASSIGNS, SOLELY AND SEVERALLY, FOR THE PAYMENT TO THE
COMMONWEALTH OF MASSACHUSETTS OF A SUM EQUAL TO THE TAXES INCURRED IN THIS
JOB UNDER GENERAL LAWS, CHAPTERS 64H AND 64I UP TO THE MAXIMUM SUM OF
_____ DOLLARS (\$_____).

**4. SUBJECT TO PARAGRAPH 5, THE ABOVE OBLIGATION SHALL BE VOID IF THE
CONTRACTOR FILES THE RETURNS AND PAYS THE TAXES REQUIRED BY THE
GENERAL LAWS, CHAPTERS 64H AND 64I. THE RETURN SHALL INCLUDE THE
FOLLOWING:**

**A. THE COST OF ALL TANGIBLE PROPERTY, AS DEFINED BY CHAPTERS
64H AND 64I, OF THE GENERAL LAWS, WHICH TANGIBLE PROPERTY
WAS BROUGHT INTO MASSACHUSETTS OF RECEIVED IN MASSACHUSETTS
BY THE CONTRACTOR FOR HIS CONSUMPTION OR USE OF OTHER
PERSONS AT HIS EXPENSE, OR ON HIS BEHALF, AS AN AGENT FOR A
PRINCIPAL; WHO DESIRES TO ACQUIRE SUCH PROPERTY FOR
CONSUMPTION OR USE OF OTHER PERSONS AT HIS EXPENSE, OR ON
HIS BEHALF, OR AS AGENT FOR A PRINCIPAL WHO DESIRES TO ACQUIRE
SUCH PROPERTY FOR CONSUMPTION OR USE BY SUCH A PRINCIPAL OR
OTHER AT THE CONTRACTORS EXPENSE;**

B. AMOUNT OF RENTAL PAYABLE FOR ANY EQUIPMENT NOT OWNED BY THE CONTRACTOR, BUT BROUGHT INTO MASSACHUSETTS OR RECEIVED IN MASSACHUSETTS BY THE CONTRACTOR FOR HIS OWN CONSUMPTION OR USE AND,

C. THE TAX PAYABLE UNDER TERMS (A) AND (B).

5. AFTER EXAMINATION OF CONTRACTOR'S RETURNS AND ANY SUPPORTING RECORDS OR DOCUMENTS, THE COMMISSIONER OR AN AGENT OF THE COMMISSIONER, SHALL VERIFY THE AMOUNT OF TAX SHOWN IN CONTRACTOR'S RETURNS AND SHALL IN ACCORDANCE WITH GENERAL LAWS, CHAPTER 62C, GIVE A NOTICE OF ASSESSMENT TO CONTRACTOR, AND A COPY THEREOF TO SURETY OF THE EXCESS OF ANY AMOUNTS OF TAX FOUND TO BE DUE AND PAYABLE, AND SUCH NOTICE SHALL BE EFFECTIVE AS OF THE DATE OF WHICH IT WAS MAILED. ANY ADDITIONAL AMOUNT OF TAX, INCLUDING INTEREST AND PENALTIES, FOUND TO BE DUE AND PAYABLE AFTER EXAMINATION OF THE CONTRACTOR'S RETURNS SHALL BE PAID BY THE SURETY TO THE COMMISSIONER WITHIN FOURTEEN DAYS OF THE DATE OF SUCH NOTICE TO SURETY.

6. **SURETY** ATTESTS TO HOLDING A PRESENT VALID LICENSE FROM THE COMMONWEALTH OF MASSACHUSETTS DIVISION OF INSURANCE TO WRITE SURETY BONDS IN MASSACHUSETTS, PURSUANT TO M.G.L. CHAPTER 175.

THESE PRESENTS SHALL BE DEEMED TO HAVE BEEN EXECUTED AT BOSTON, MASSACHUSETTS AND ANY ACTION OR PROCEEDING THEREON BY OR ON BEHALF OF THE COMMISSIONER MAY BE COMMENCED IN THE COMMONWEALTH OF MASSACHUSETTS AND SHALL BE GOVERNED BY THE LAWS OF SAID COMMONWEALTH.

THE EFFECTIVE DATE OF THIS BOND IS FROM _____, 20____, TO _____, 20____

IN WITNESS HEREOF, THE CONTRACTOR AND SURETY HAVE AFFIXED THEIR SEALS AND CAUSED THESE PRESENTS TO BE EXECUTED THIS ____ DAY OF _____, 20 ____.

SURETY

CONTRACTOR

BY: _____

TITLE: _____